

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

**F037597 Wong v. County of Stanislaus**

Cause called and argued by Coren Wong, appellant in propria persona and by Julie Gonzales, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, May 14, 2002 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

**F036223 People v. Reyes**

Cause called and argued by A.M. Weisman, Esq., counsel for appellant and by R. Todd Marshall, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, May 15, 2002 at 1:30 P.M.

**F038044 People v. Carrasco**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F038044 People v. Carrasco**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F037378      People v. Hardin**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F037378      People v. Hardin**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037915      Grange Insurance Association v. Cascade House, Inc. et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F037509      White v. Brown**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F038074      People v. Baca, Jr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F038074      People v. Baca, Jr.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F034730      People v. Moreno**

The superior court is directed to stay the sentence on count III (assault with intent to commit rape) and to amend the abstract of judgment to reflect the stayed sentence. In all other respects, the judgment is affirmed. Buckley, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036844      People v. Butler**

Appellant's sentence on count two, sexual battery (243.4, subd. (d)), is modified to reflect a six-month term and the superior court is directed to amend the abstract of judgment accordingly. The order requiring appellant to submit to testing for AIDS is vacated. Should the prosecutor request a hearing concerning AIDS testing within 30 days of the filing of the remittitur, the court shall conduct a further hearing, at which appellant shall be present, concerning whether the offense was a "sexual offense" within the meaning of section 1202.1, subdivision (e)(6). If no request is made within the stated time frame, the superior court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects the judgment is affirmed. Levy, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029400      Jonathan Neil & Associates, Inc. v. Jones; Jones; Cal-Eagle Insurance;  
F030300      Johnsey Insurance Company,**

The judgment is reversed. The matter is remanded to the trial court with directions that the trial court direct the Joneses to pursue to finality an administrative complaint under title 10, section 2495, California Code of Regulations. The court shall stay proceedings in the present case until and unless either party petitions for dissolution of the stay based on the final administrative outcome, at which time the trial court shall conduct further proceedings consistent with the views expressed herein. Cal-Eagle Insurance Company and Jonathan Neil & Associates, Inc., are awarded costs on appeal from the Joneses. Johnsey Insurance Company shall bear its own costs on appeal. Vartabedian, Acting P.J.

We concur: Buckley, J.; Wiseman, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

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**F037321**      **Carlson v. McGurty et al.**  
The judgment is affirmed. Wiseman, J.  
We concur: Vartabedian, Acting P.J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]